substantially equal to the cross-sectional area of the intermediate section of the strap so as to have a tensile strength at least equal to a tensile strength of the intermediate section of the strap.

REMARKS

This Amendment After Final Action is responsive to the Final Office Action mailed on October 22, 2002. Claims 1-9 are pending in the present application. Applicants have amended claim 1. Accordingly, claims 1-9 are still at issue. A marked-up version of the amended claim is provided on a separate sheet. Moreover, Applicants have amended the specification to reference a related application. A marked-up version of the replacement specification paragraph is provided on a separate sheet.

Applicants acknowledge with appreciation the Examiner's indication that claims 2, 5 and 7-9 are directed to allowable subject matter. However, Applicants submit that claim 1, as amended, is patentable over *Rohaly*. Moreover, Applicants' undersigned attorney appreciates the courtesies extended by Examiner Brittain during the telephonic interview on January 15, 2003.

In the Final Office Action, the Examiner rejected claims 1, 3, 4 and 6 under § 102(b) as being anticipated by *Rohaly* (U.S. 5,669,111). Applicants submit that the present invention is patentable over *Rohaly*.

Independent claim 1 is directed to a cable tie having a strap including a first end forming a neck section, a free end opposite the first end, and an intermediate section between the first end and the free end. A cable tie head is secured to the neck area of the strap at the first end of the strap. Claim 1 recites "the neck section has a width that transitions from a width of B_1 near the strap to a width E' adjacent the cable tie head that is substantially the same as width E of the cable tie head . . ." As described in the specification on page 7, lines 29-30, and as best shown in FIGS. 15 and 18, neck section 130 tapers to substantially match the outer contour and width E of cable head 120.

As further described on page 8, lines 11-19, neck section 130 transitions from the narrower strap width B to a width E' adjacent the cable tie head that is substantially the same as the width of cable tie head 120. *See Ecolab Inc. v. Envirochem, Inc.*, 60 USPQ2d 1173 (Fed. Cir. 2001) (holding that "substantially uniform" is definite).

Rohaly does not disclose, teach or suggest a neck section having a width that transitions from a width B_1 near the strap to a width E' adjacent the cable tie head that is substantially the same as width E of the cable tie head. As shown in FIG. 3 of *Rohaly*, the width of the neck area 22 is greater than the width of strap 12. However, the width of the neck area 22 adjacent locking head 20 is substantially less than the width of locking head 20. In fact, as shown in FIG. 5, the width of gusset 24 adjacent locking head 20 is less than half the width of locking head 20. Accordingly, claim 1 is patentable over *Rohaly*. Moreover, claims 2-9 are asserted to be allowable based on their dependency from allowable claim 1.

In view of the above, Applicants submit that claims 1-9 are allowable and favorable reconsideration is respectfully requested.

Respectfully submitted,

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Marked-Up Version of Replacement Specification Paragraph

There also is known a bent neck type of cable tie, such as the one shown in Figs. 4-9 described in copending U.S. Patent Application Ser. No. 09/855,262 [(Atty. Docket LCB342)], the disclosure of which is incorporated herein by reference in its entirety. In such a bent neck design, cable tie 100 is again integrally formed with both a cable tie head 120 and a strap 110. However, in this design, strap 110 initially extends from head 120 along a strap attachment axis S substantially parallel to the strap passageway, and is then formed with a bend at neck section 130 such that the strap extends substantially perpendicular to the strap attachment axis S. With such a bent neck design, a more favorable position of the portion of strap 110 exiting the strap passageway after threading is achieved. This can be particularly important when the excess strap length is cut off so as to avoid a sharp edge sticking up. However, a substantial amount of the bending forces acting on cable tie 100 during use act at the bent portion. That is, to accommodate either a very small bundle of cables or a large bundle of cables, strap 110 will need to be stretched inward or outward and the forces from such stretching are concentrated at the prebent neck section 130.

Marked-Up Version of The Amended Claim

1. A cable tie, comprising:

a strap including a first end forming a neck section, a free end opposite the first end, and an intermediate section between the first end and the free end, the intermediate section having a predetermined width B_1 and thickness T_1 defining a predetermined cross-sectional area;

a cable tie head secured to the neck area of the strap at the first end of the strap, the cable tie head having a width E that is wider than strap width B and including a strap accepting channel containing a locking device, the strap accepting channel being sized to receive the free end of the strap,

wherein the neck section has a width that transitions from a width of B_1 near the strap to a width E' adjacent the cable tie head that is substantially the same as width E of the cable tie head and a thickness T_2 that is thinner than T_1, the neck section having a cross-sectional area that is at least substantially equal to the cross-sectional area of the intermediate section of the strap so as to have a tensile strength at least equal to a tensile strength of the intermediate section of the strap.